

1 BEFORE THE  
2 BOARD OF VOCATIONAL NURSING  
3 AND PSYCHIATRIC TECHNICIANS  
4 DEPARTMENT OF CONSUMER AFFAIRS  
5 STATE OF CALIFORNIA

6 In the Matter of the Petition for Reinstatement  
7 of License of:

OAH No.: 2012101078

8 PAIGE MARIE SANSON  
9 164 Robles Way, Apt. 319  
10 Vallejo, CA 94591

11 Vocational Nurse License No.  
12 VN 179112

Petitioner.

13 **DECISION DENYING PETITION FOR RECONSIDERATION**

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15 The Board of Vocational Nursing and Psychiatric Technicians hereby denies your Petition for  
16 Reconsideration of its February 20, 2013 Decision in the above-entitled matter.

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18 This Decision shall become effective on March 2, 2013.

19 IT IS SO ORDERED this 1<sup>st</sup> day of March, 2013.

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23 Todd D'Braunstein, PT  
24 President  
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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for Reinstatement  
of License of:

OAH No.: 2012101078

PAIGE MARIE SANZO  
164 Robles Way, Apt. 319  
Vallejo, CA 94591


Vocational Nurse License No.  
VN 179112

Petitioner.

**ORDER DELAYING DECISION**

Pursuant to Section 11521(a) of the Government Code, the Board of Vocational  
Nursing and Psychiatric Technicians (Board) hereby issues this Order Delaying Decision in the  
above-stated case until March 2, 2013. The purpose of the delay is to permit the Board to review  
your Petition for Reconsideration.

IT IS SO ORDERED this 19<sup>th</sup> day of February, 2013.

  
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Todd D'Braunstein, PT  
President

BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of License of:

PAIGE MARIE SANZO

Petitioner.

OAH No. 2012101078

**DECISION**

This matter was heard on November 8, 2012, before a quorum of the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, State of California, in Sacramento, California.<sup>1</sup> Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, presided.

Jeffrey M. Phillips, Deputy Attorney General, appeared pursuant to Business and Professions Code section 2878.7, subdivision (b).

Attorney David J. Garcia of the law firm of Goyette & Associates represented petitioner Paige Marie Sanso, who was present throughout the hearing.

Evidence was received, the record was closed, and the matter was submitted for decision on November 8, 2012.

**SUMMARY**

Petitioner seeks reinstatement of her vocational nursing license, which was revoked effective April 26, 2008. As discussed below, she did not establish sufficient rehabilitation to justify reinstating her license. Therefore, her Petition for Reinstatement of License is denied.

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<sup>1</sup> Board Member Eric Mah was not present during the entire hearing and did not participate in this Decision.

## FACTUAL FINDINGS

1. On December 20, 1996, the Board issued petitioner Vocational Nurse License No. VN 179112 (license). The license expired February 28, 2010, and has not been renewed.

2. Effective December 17, 2004, the Board placed petitioner's license on probation for three years, subject to certain terms and conditions, for the following reasons:

a. On August 23, 2001, petitioner was convicted of a felony violation of Penal Code section 273, subdivision (a), willful harm or injury to a child. The factual basis for the conviction was that from June 10, 1993, through September 14, 1994, petitioner and her husband sexually molested their minor daughter.

b. On November 6, 2002, petitioner was convicted of a felony violation of Vehicle Code section 10851, subdivision (a), unlawful driving or taking of a vehicle, with a special sentencing enhancement pursuant to Penal Code section 12022.1, subdivision (b), for committing a felony while released on bond for another crime. The factual basis for the conviction was that petitioner rented a car from Budget Rent A Car on August 30, 2001, and failed to return it.

c. On September 20, 2001, petitioner participated in a court-ordered chemical test for controlled substances. The test results were positive for methamphetamine.

3. The Board filed a Petition to Revoke Probation on December 14, 2007, on the grounds that petitioner failed to submit quarterly reports, notify the Board of a change of address and telephone number, submit work performance evaluations, complete educational courses, pay the Board's costs of enforcement in the amount of \$5,046.50, submit to a psychological evaluation, submit quarterly reports showing attendance at a chemical dependency support group, and submit to random biological fluids testing. Petitioner's license was revoked by Default Decision and Order, which became effective April 26, 2008.<sup>2</sup>

4. On August 2, 2012, the Board received petitioner's Petition for Reinstatement of License (Petition). While she stated in her Petition she previously petitioned the Board for reinstatement of her license, she was mistaken.

5. In the Petition, petitioner provided the following explanation for filing it:

Nursing has been the most rewarding and gratifying experience of my life. This began for me at age 15 when my Great

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<sup>2</sup> The Default Decision and Order had an original effective date of April 16, 2008. However, petitioner filed a Petition for Reconsideration, and the Board issued an Order Delaying Decision on April 11, 2008, to allow it time to consider the Petition. The Board issued a Decision Denying Petition for Reconsideration on April 25, 2008, which was effective the following day.

Grandmother [sic] was in a nursing home. I visited often and was enamored by my first hand experience of caring and compassion I saw and felt of what nursing homes were like and the care my grandmother [sic] received. I cared deeply for my Great Grandmother [sic] and from that experience of caring and compassion I began my desire and soon my career into learning and giving of myself that care and compassion to others. I began schooling for CNA at an early age (15) and became a CNA and began working at 16 years old. I remained a CNA working in that capacity until I was almost 30. I then began courses for my LVN as soon as I could and have worked in the geriatric and skilled nursing environment my entire life.

I have been honored by the people I have worked with and those I have treated and I receive much joy and happiness by giving my patients the dignity and respect they deserve. I believe I make a difference in peoples [sic] lives and through all the years I have devoted myself to this work, as difficult as it can be, it is the most rewarding and important thing to me. I want to continue this work and continue to devote myself to helping others. This is of the utmost importance to me, to be there for people at the stage of life when we are most needed in this way.

6. Petitioner was the sole witness at hearing. She has been employed by Windsor Vallejo Care Center, a skilled nursing facility in Vallejo, California, since May 2007. She was originally hired as a charge nurse, but changed positions to admissions coordinator after her license was revoked. She continues to hold that position.

7. Petitioner explained she did not file work performance evaluations from April 2006 through September 2007 as required by the terms and conditions of her probationary license because the Director of Nursing at Windsor Vallejo Care Center had suddenly quit, the replacement died unexpectedly, and there was no Director of Nursing to evaluate her work performance for a period of three months. But such explanation would explain only the failure to file one evaluation, and she failed to file six. And petitioner admitted she made no efforts to contact the Board and explain her circumstances.

8. Petitioner also explained in mid-2007, she began commuting between her home in Vallejo and her step-father's home in Napa to care for him. At the time, he was suffering from end-stage liver disease and lived alone. Eventually, the amount of care petitioner's step-father required became too much for her to manage with a daily commute, and she moved in with him in November 2007. She said she became so preoccupied with caring for her step-father, while continuing to work full-time, she forgot to notify the Board she moved.

9. As of the date of the Petition, petitioner still owed \$4,536.50 to the Board for its enforcement costs. She explained she chose to pay the fines, fees, and penalties imposed as part of her criminal probation instead because the consequences of not complying with criminal probation were greater. She also explained she was so focused on complying with the terms and conditions of criminal probation, her compliance with the Board's terms and conditions fell by the wayside.

10. Petitioner introduced numerous character reference letters at hearing. Several of them, however, predate the revocation of her license and therefore provide no evidence of any rehabilitation since her license was revoked. And none of them indicate the author had any knowledge of the bases for which the Board revoked petitioner's license. (See, *Seide v. Committee of Bar Examiners of the State Bar of California* (1989) 49 Cal.2d 933, 940 [a character reference is not probative of rehabilitation if the author is not aware of all facts and circumstances surrounding the act for which rehabilitation is important].) Therefore, none of the letters were given much weight.

11. When considering a petition for reinstatement, the issue is whether the petitioner has been rehabilitated since her license was revoked. The Board has adopted criteria for evaluating any such rehabilitation. California Code of Regulations, title 16, section 2522, provides as follows:

When considering a) the denial of a license under Section 480 of the Business and Professions Code, b) the suspension or revocation of a license on the ground that a licensee has been convicted of a crime, or c) a petition for reinstatement of a license under Section 2787.7 of the Business and Professions Code, the Board in evaluating the rehabilitation of an individual and his or her present eligibility for a license, will consider the following criteria:

- (1) Nature and severity of the act(s), offense(s), or crime(s) under consideration.
- (2) Actual or potential harm to the public.
- (3) Actual or potential harm to any patient.
- (4) Overall disciplinary record.
- (5) Overall criminal actions taken by any federal, state or local agency or court.
- (6) Prior warnings on record or prior remediation.
- (7) Number and/or variety of current violations.

(8) Mitigation evidence.

(9) In case of a criminal conviction, compliance with terms of sentence and/or court-ordered probation.

(10) Time passed since the act(s) or offense(s) occurred.

(11) If applicable, evidence of proceedings to dismiss a conviction pursuant to Penal Code section 1203.4.

(12) Cooperation with the Board and other law enforcement or regulatory agencies.

(13) Other rehabilitation evidence.

12. Under all the facts and circumstances herein, it would be contrary to public health, safety, and welfare to reinstate petitioner's vocational nurse license at this time. She did not produce sufficient credible evidence of her rehabilitation since her license was revoked more than four years ago. Therefore, petitioner did not establish that she can be reinstated to the practice of vocational nursing without risk of harm to the public.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 2878.7 provides, in pertinent part, the following about a petition for reinstatement of license:

(a) A person whose license has been revoked, suspended, surrendered, or placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation, after a period not less than the following minimum periods has elapsed from the effective date of the disciplinary order or if any portion of the order is stayed by the board itself or by the superior court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for the reinstatement of a license that was revoked or surrendered, except that the board may, in its sole discretion, specify in its order a lesser period of time, which shall be no less than one year, to petition for reinstatement.

(2) At least two years for the early termination of a probation period of three years or more.

(3) At least one year for the early termination of a probation period of less than three years.

(4) At least one year for the modification of a condition of probation, or for the reinstatement of a license revoked for mental or physical illness.

(b) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The board itself or the administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision.

(d) The board may grant or deny the petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(e) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code. No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(f) Except in those cases where the petitioner has been disciplined for a violation of Section 822, the board may in its discretion deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter the provisions of Sections 822 and 823.

2. For the reasons discussed in Factual Finding 12, petitioner failed to establish by clear and convincing evidence the existence of good cause to reinstate her vocational



nurse license. Therefore, her Petition for Reinstatement of License is denied.

ORDER

Petitioner Paige Marie Sanso's Petition for Reinstatement of License is DENIED.

This Decision shall become effective on **FEB 20 2013**

IT IS SO ORDERED **FEB 05 2013**



TODD D'BRAUNSTEIN, P.T.

President

Board of Vocational Nursing &  
Psychiatric Technicians